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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/852,249	05/09/2001	Takeshi Douzono	MTS-3256US	4059

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EXAMINER

BARQADLE, YASIN M

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 08/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/852,249

Applicant(s)

DOUZONO, TAKESHI

Examiner

Yasin M Barqadle

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

- Claims 1-7 are presented for examination.
- Claims 6, 8-9, 10-12 and 16-17 are preliminarily amended.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

- Claim 1 recites the limitation "the conditional information" in line 6. There is insufficient antecedent basis for this limitation in the claim.
- Claim 1 recites the limitation "the recording medium" in line 7. There is insufficient antecedent basis for this limitation in the claim.
- Claim 6 recites the limitation "the acquisition" in line 2. There is insufficient antecedent basis for this limitation in the claim.

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- Claim 13 recites the limitation "the conditional information" in line 3. There is insufficient antecedent basis for this limitation in the claim.
- Claim 13 recites the limitation "the recording medium" in line 4. There is insufficient antecedent basis for this limitation in the claim.
- Claim 14 recites the limitation "the conditional information" in line 4. There is insufficient antecedent basis for this limitation in the claim.
- Claim 13 recites the limitation "the recording medium" in line 6. There is insufficient antecedent basis for this limitation in the claim.
- Claim 15 recites the limitation "the conditional information" in line 1. There is insufficient antecedent basis for this limitation in the claim.
- Claim 16 recites the limitation "the computer" in line 2. There is insufficient antecedent basis for this limitation in the claim.

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- Claim 17 recites the limitation "the computer" in line 2. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Objections***

- Claim 2 is objected to because of the following informalities: the words in line 2, after ``characterized in'' have no spaces. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Hunter et al USPN (6647417).

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As per claim 1, Hunter et al teach a contents distribution system (distribution system 10, fig.1) comprising a requesting device (user station 28, fig. 1) for making a request for distribution of the contents, and a providing device (central controller 36, fig. 1) for providing the contents in accordance with said request from said requesting device (abstract), characterized in that;

said requesting device (user station 28, fig. 11) reads the conditional information (pre-selected music) from the recording medium (storage module 130, fig. 11) storing said conditional information for choosing the contents [col.11, lines 16-24 and col. 12, lines 60 to col. 13, line 2]; and

said read conditional information is sent directly or indirectly said providing device [preselected user preference information and customer order information are stored in providing device 36 col. 12, lines 60 to col. 13, line 14]; and

said providing device (central controller 36, fig. 1) chooses and specifies the contents in accordance with said sent conditional information to prepare said requesting device to download the contents [user content selections and preferences are analyzed by provider device 36 to be downloaded to the user station 28 col. 12, lines 36 to col. 13, line 23].

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As per claim 2, Hunter et al teach the contents distribution system according to claim 1, characterized in that if said requesting device makes a request, said specified contents are sent from said contents providing device to said requesting device [col. 12, lines 36 to col. 13, line 8].

As per claim 3, Hunter et al teach the contents distribution system according to claim 1, characterized that said providing device sends said specified contents to said requesting device col. 12, lines 36 to col. 13, line 23].

As per claim 4, Hunter et al teach the contents distribution system according to any one of claims 1 3, characterized in that said conditional information has been stored when said recording medium purchased [col. 8, lines 52-59].

As per claim 5, Hunter et al teach the contents distribution system according to any one of claims 1 to 3, characterized in that said conditional information is stored directly in said recording medium by the user [col. 8, lines 52-59].

As per claim 6, Hunter et al teach the contents distribution system according to any of claims 1 to 3 characterized in that the acquisition information for acquiring said specified contents is stored in said recording medium [col. 8, lines 52-59].



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As per claim 7, Hunter et al teach the contents distribution system according to claim 6, characterized in that said acquisition information is sent from said providing device [col. 12, lines 36 to col. 13, line 8].

As per claim 8, Hunter et al teach the contents distribution system according to claim 7, characterized in that said acquisition information is the information containing at least one of the billing information of said specified contents (col. 8, lines 26-42), the privilege term information that is the time limit till which said specified contents can be downloaded, and the location information indicating the location at which said specified contents are stored [col. 15, lines 29-60].

As per claim 9, Hunter et al teach the contents distribution system according to any one of claims 1 to 3, characterized in that when the same conditional information is sent multiple times from said requesting device, said providing device selects and specifies only the contents different from the previously specified contents [col. 13, lines 4-38].

As per claim 10, Hunter et al teach the contents distribution system according to any one of claims 1 to 3, characterized in that said providing device is capable to

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interpret said conditional information [col. 8, lines 12-25 and col. 13, lines 4-38].

As per claim 11, Hunter et al teach the contents distribution system according to any one of claims 1 to 3, characterized in that said recording medium is detachably mounted on said requesting device (CD drive) [col. 8, lines 26-30 and lines 52-56].

As per claim 12, Hunter et al teach the contents distribution system according to any one of claims 1 to 3, characterized in that said recording medium is incorporated into said requesting device [col. 8, lines 26-30].

As per claim 13, Hunter et al teach a requesting device (user station 28, fig. 1) for making a request for distribution of the contents, comprising:

reading means of reading the conditional information from the recording medium (storage module 130) storing said conditional information for choosing the contents [col. 8, lines 12-30];

sending means of sending said information directly or indirectly to said providing device for providing the contents; choosing the contents [col. 12, lines 36 to col. 13, line 8]; and

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characterized in that said contents providing device chooses and specifies the contents in accordance with said sent conditional information to prepare said requesting device download the contents [user content selections and preferences are analyzed by provider device 36 to be downloaded to the user station 28 col. 12, lines 36 to col. 13, line 23].

Claims 14 and 15 have similar limitations as claims 1 and 13 above, therefore, they are rejected with the same rationale. See the rejection made above.

As per claim 16, Hunter et al teach a medium (central controller system 36 and storage module 130, fig. 1) holding a program and/or the data with which the computer can perform part or all of the functions for said contents distribution system (col. 6, lines 4-22), said requesting device and said providing device according to any one of claims 1-15 characterized in that said medium can be handled on the computer.

As per claim 17, Hunter et al teach an information aggregate (col. 6, lines 4-22. see fig. 11), which is a program and/or the data with which the computer can perform part or all of the functions all of the functions for said contents distribution system, said requesting device and said

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providing device according to any one of claims 1 to 15  
[col. 6, lines 4-22 and col. 13, lines 4-38].

### Conclusion

2. The prior made of record and not relied upon is considered pertinent to applicant's disclosure.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yasin Barqadle whose telephone number is 703-305-5971. The examiner can normally be reached on 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 703-305-4792. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Yasin Barqadle

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